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CLERK OF DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

STEVEN DANIEL DEJARLAIS,  
Petitioner,

v.

AUDREY KING, Warden, et al.,  
Respondent.

Case No.: 15-cv-1005 BEN (MDD)

**ORDER:**

**(1) ADOPTING REPORT AND  
RECOMMENDATION;**

**(2) DENYING PETITION;**

**(3) DENYING CERTIFICATE OF  
APPEALABILITY**

On May 5, 2015, Petitioner Steven Daniel DeJarlais filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. (Docket No. 1.) On July 27, 2015, Respondent filed an Answer. (Docket No. 9.) On October 14, 2015, Magistrate Judge Dembin issued a thorough and thoughtful Report and Recommendation, recommending that the Petition be denied. (Docket No. 14.) Petitioner filed an untimely, general objection. (Docket No. 16.)

**I. *De Novo* Review of Petition**

A district judge “may accept, reject, or modify the recommended disposition” of a magistrate judge on a dispositive matter. Fed. R. Civ. P. 72(b)(3); *see also* 28 U.S.C. §

636(b)(1). Where a proper objection to a report and recommendation has been filed, the district court reviews *de novo* those portions of the report or specific proposed findings or recommendations *to which the petitioner objected*. 28 U.S.C. § 636(b)(1) (emphasis added). A general objection is tantamount to no objection at all. *See Alcantara v. McEwen*, No. 12-cv-401-IEG, 2013 WL 4517861, at \*1-2 (S.D. Cal. Aug. 15, 2013) (citing *Howard v. Sec’y of Health & Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991) (“A general objection to the entirety of the magistrate’s report has the same effects as would a failure to object.”); *Lockert v. Faulkner*, 843 F.2d 1015, 1019 (7th Cir. 1988) (“[A]n objection stating only ‘I object’ preserves no issue for review.”); and *Goney v. Clark*, 749 F.2d 5, 7 (3d Cir. 1984)); *see also Martin v. Ryan*, No. cv-13-381, 2014 WL 5432133, at \*2 (D. Ariz. Oct. 24, 2014) (citing *United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996)).

Petitioner filed a general Objection “alleg[ing] the Magistrate[ Judge’s] findings of fact are unreasonable in light of the record, when taken as a whole.” (Objection 1.) Petitioner also “incorporate[d] by reference those facts, claims, and arguments contained in the ‘Petition’.” (Objections 1.)

The Court finds *Alcantara* and the laws of the other circuit courts persuasive. It is apparent that Petitioner failed to make any specific objections to the Report. Thus, the Court need not conduct a *de novo* review. *See Garcia v. Subia*, No. 07cv1869, 2011 WL 1119181, at \*3, \*5 (S.D. Cal. Mar. 28, 2011); *Sullivan v. Schriro*, No. 04-1517, 2006 WL 1516005 (D. Ariz. May 30, 2006). Even still, the Court did perform a *de novo* review of the entire record in this matter and fully **ADOPTS** the Report and Recommendation.

## **II. Certificate of Appealability**

“The district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant.” Rule 11 foll. 28 U.S.C. § 2254. In this case, the Court finds that Petitioner did not make a substantial showing of the denial of a constitutional right, the issues are not debatable among jurists of reason, and a court could not resolve the issues in a different manner. *See Miller-El v. Cockrell*, 537 U.S.

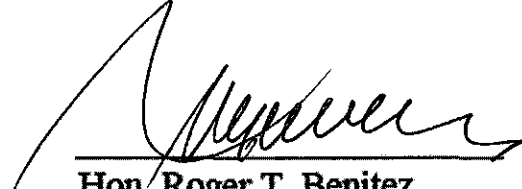
322, 327 (2003). The Court therefore **DENIES** a certificate of appealability.

**CONCLUSION**

Accordingly, the Court **ADOPTS** in full the Report and Recommendation. The Petition is **DENIED**. The Court **DENIES** a certificate of appealability. The Clerk shall enter judgment denying the Petition.

**IT IS SO ORDERED.**

Dated: December 13, 2015

  
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Hon. Roger T. Benitez

United States District Judge